

## **REMARKS**

### **In the Drawings**

The Examiner objected to the drawings under 37 CFR 1.83(a) because they fail to show claim 6 limitation as described in the specification. The Examiner explained that any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing in accordance with MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The Applicant has withdrawn claim 6 in this application and therefore believes that the objection to the drawings is now resolved.

### **Rejection under 35 U.S.C. 102(b)**

The Examiner stated that Claims 3, and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Angelchik [US 4,352,358].

Concerning claim 3, the Examiner states that Angelchik discloses an anastomosis coupling apparatus (figure 3) having an input end at 13 opening and an output

end at 10 opening; the device is capable of engaging a first hollow organ with said input end, and substantially capable of engaging a side-wall of a second hollow organ with and output end. The coupling device is capable of positioning hollow organs in an end-to side tissue interface.

The Applicant has amended independent claim 3 to include the hinge element of the present invention. Angelchik does not disclose, teach, or imply that a hinge which functions to facilitate attaching the coupler to the first hollow organ and to the side-wall of a second hollow organ.

The Applicant asserts that in accordance with the amended claim 3, Angelchik fails to teach or enable the hinge claim element and therefore is not a prima facie cause of anticipation.

Applicant respectfully asserts that the Examiner has not demonstrated anticipation in accordance with the law. Furthermore, it is submitted that Angelchik fails to teach a combination of elements necessary to anticipate the Applicants' invention. Thus, Applicants respectfully submit that the amended claim 3, and claims 7-10 which are dependent upon claim 3, are patentably distinct over Angelchik.

**Rejection under 35 U.S.C. 103(a)**

The Examiner stated that Claims 1-2, 17-34 and 38-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angeichik. The Examiner stated that Angelchik disclosed the methods of claims 1 and 2, except that Angelchik's hollow organ is a graft device rather than a first hollow organ. The Examiner concluded that it would have been within the purview of one having ordinary skill in the art to use the patient's own hollow organ rather than a graft, but the Examiner stated that it would of course depend on the competency or availability of the organ. The Examiner did not appreciate the difference between the Applicant's clinically important feature which promotes a self-tissue to self-tissue interface rather than either a non-self interface of man-made materials or heterogeneous graft.

The Applicant has amended independent claims 1, 2 and 34 to include the hinge element of the present invention. Angelchik does not disclose, teach, or imply that a hinge that functions to facilitate attaching the coupler to the first hollow organ and to a side-wall of a second hollow organ.

The Examiner also stated that the Angelchik patent further discloses attachment from the tubular member to the annular member 10 (anastomosis coupling) by any suitable technique. The securing techniques recited in claims 18-22 and related claims above are well known in the art. It would have been within the purview of one having ordinary skill in the art to secure coupling of Angelchik to the hollow organ 11 by the claimed techniques in

view Angelchik's teachings. In regards to claims 24-25 and related claims directed to the specific hollow organ; once it is known in the art to cause anastomosis of an artery, would have been obvious to one having ordinary skill in the art to affix the coupler to coronary arteries as well.

The Applicant asserts that in accordance with the amended claims 1, 2 and 34, Angelchik fails to teach or enable the hinge claim element and therefore is not a prima facie cause of anticipation. Applicant respectfully asserts that the Examiner has not demonstrated anticipation in accordance with the law. It is respectfully submitted that Angelchik fails to teach a combination of elements necessary to anticipate the Applicants' invention. Reconsideration is requested of the rejection of independent claims 1, 2, and 34 as being patentable under 35 U.S.C. section 102 in view of the disclosures of Angelchik. Claims 17-33 depend directly from independent claims 1 and 2, and claims 38-47 depend directly from independent claim 34, and each dependent claim is patentable for the same reasons that the independent claims are patentably distinct. Angelchik fails to suggest those features of Applicants' invention, as discussed above. Appropriate withdrawal of this 103(a) rejection is therefore requested.

**Allowable Subject Matter**

**The Examiner stated that claims 11-16 and 48-53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

**Applicant has amended claims 11-16 and 48-53 in an independent form including all limitations of the base claim and any intervening claims. Applicant believes that these claims are now in form for issuance.**

**The Office Action Summary stated that claims 54-56 were allowed.**